

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JULY 22, 2003
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr. Jose Alexandro Lozano, John Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order and the invocation was given by, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

MAYOR'S PROCLAMATIONS

1. *Rotarian Day*

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Resolution that the Mayor be authorized to accept, on behalf of the El Paso Fire Department, a donation in the amount of one-half (1/2) of the amount donated by Desert Eagle Recycling for the months of June, July, August and September, 2003 from Anheiser Busch. These funds are to be used to purchase fire prevention educational material from the National Fire Prevention Association (NFPA). Said materials would be used for the El Paso Fire Department's fire prevention programs.

Ms. Kathy Lee, Desert Eagle Recycling, thanked the El Paso Fire Department for their assistance in helping train the community's children in efforts to recycling.

Fire Department Public Relations Officer Joe Telles thanked Desert Eagle Recycling for their generous donation.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Resolution that the Mayor be authorized to accept, on behalf of the El Paso Fire Department, a donation in the amount of \$456.37 and a future donation of one cent (\$.01) out of every pound of aluminum collected for the months of July, August and September, 2003 from Desert Eagle Recycling. These funds are to be used to purchase fire prevention educational material from the National Fire Prevention Association (NFPA). Said materials would be used for the El Paso Fire Department's fire prevention programs.

See above discussion.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted. Representative Austin abstained from voting. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made, seconded and unanimously carried to approve the Minutes for Special City Council Meetings of June 20, 2003 (Pre-Council), July 14, 2003 (Pre-Council), and July 14, 2003 (Quality of Life Bond Issues), and Regular City Council Meeting of September 17, 2002 and Regular City Council Meeting of July 15, 2003.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an amendment to the Interlocal Agreement, passed and approved by City Council of the City of El Paso on April 22, 2003, between the CITY OF EL PASO, TEXAS TECH UNIVERSITY HEALTH SCIENCES at El Paso, and the EL PASO COUNTY HOSPITAL DISTRICT d/b/a R. E. THOMASON GENERAL HOSPITAL, whereby Texas Tech agrees to provide medical control and guidance to the City's EMS System, as well as other medical services, at a cost in FY-2004 to the City not to exceed \$724,766.00, and whereby Thomason Hospital agrees to act as the base station for the City's EMS System at no cost to the City, and to amend the contract to include the HIPAA "Business Associate" language. Said contract to have an effective date of September 1, 2003 and a termination date of August 31, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept three grant awards in the amounts of \$186,337.00, \$58,507.00 and \$1,903,739.00 and be authorized to sign three separate Subrecipient Agreements and Statements of Work with the Texas Engineering Extension Service (TEEX). Agreement One is for \$186,337.00, and the performance period is from July 1, 2003 to July 31, 2004. Agreement Two is for \$58,507.00, and the performance period is from July 1, 2003 to March 31, 2005. Agreement Three is for \$1,903,739.00, and the performance period is from July 1, 2003 to April 30, 2005. The grant funds are to be administered and distributed by the El Paso City-County Office of Emergency Management to the El Paso Fire Department, El Paso Police Department, El Paso City-County Health & Environmental District and area hospitals. The funds are to be used to improve El Paso's response to a terrorist incident involving a Weapon(s) of Mass Destruction (WMD). The total grant award is for \$2,148,583.00.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract of Sale between the CITY OF EL PASO and CHIHUAHUA CITY, CHIHUAHUA, MEXICO for the sale of one 1985 American La France Fire Truck at a sale price of FIFTEEN HUNDRED DOLLARS AND NO/100 CENTS (\$1,500.00).

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a grant application including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant for the fifth year funding for an Underage Drinking Initiative Grant in the amount of \$185,325.00, from the City of El Paso Police Department to the Office of the Governor, Criminal Justice Division, the purpose of continuing the efforts of the Police Department in reducing underage drinking through enforcement and public education; and that the grant officials be designated and authorized to act as stated in the grant application. The City of El Paso commits to provide cash matching funds in the amount of \$20,592.00.

That the El Paso City Council agrees in the event of loss or misuse of Criminal Justice Division Grant funds, the funds will be returned to the Office of the Governor, Criminal Justice Division, in full.

That the El Paso City Council agrees that the existence of an award will not be used to offset or decrease total salaries, expenses and allowances that the City receives or provides to its Police Department at or after the time the grant is awarded.

*A RESOLUTION OF THE CITY OF EL PASO TEXAS APPROVING EL PASO ELECTRIC COMPANY'S
APPLICATION TO AMEND ITS IRRIGATION SERVICE RATE

WHEREAS, on May 8, 2003, El Paso Electric Company ("EPE") filed with the City of El Paso an Application to amend Rate Schedule No. 22, EPE's Irrigation Service Rate; and

WHEREAS, EPE's Application requests that EPE be permitted to amend its Irrigation Service Rate Schedule to add an Off-Peak Demand Rider in response to demand from agricultural customers; and

WHEREAS, the requested tariff amendment will provide an economic benefit to EPE's irrigation service customers while helping to increase EPE's operational efficiencies by shifting electricity usage to the off-peak hours; and

WHEREAS, the City of El Paso, after having considered EPE's Application, is of the opinion that the proposed amendment should be approved and that the associated Off-Peak Demand Rider will benefit the City of El Paso and its residents;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso that EPE's tariff amendment application is approved and that EPE is permitted to amend its Irrigation Service Rate, Rate Schedule No. 22, as requested.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Amendment Number 2 to El Paso Border Air Monitoring Agreement with the Texas Commission on Environmental Quality (TCEQ) for **Contract No. 582-3-55815** and all related documentation on behalf of the El Paso City-County Health and Environmental District. This amendment increases the total compensation possible from TCEQ, extends the term and amends the scope of the Agreement. There is no additional cost to the City County Health and Environmental District related to this amendment.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Texas Commission on Environmental Quality (TCEQ) **Contract No. 582-4-55824** and any related documentation, on behalf of the El Paso City-County Health and Environmental District (EPCCHD), as related to the continued operation of the Air Monitoring Program in the City of El Paso from September 1, 2003 to August 31, 2005. The TCEQ shall provide ONE HUNDRED EIGHTY SEVEN THOUSAND SIX HUNDRED EIGHTY EIGHT AND 00/100 DOLLARS (\$187,688.00) for this two (2) year agreement. The City County Health and Environmental District match is NINETY TWO THOUSAND FOUR HUNDRED FORTY FOUR AND 00/100 DOLLARS (\$92,444.00) for this two (2) year agreement.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign Texas Commission on Environmental Quality (TCEQ) **Contract No. 582-4-64435** and any related documentation, on behalf of the El Paso City-County Health and Environmental District (EPCCHD), as related to EPCCHD's assistance to the TCEQ in the continued local enforcement of the Clean Air Act from September 1, 2003 to August 31, 2005. The TCEQ shall provide SIX HUNDRED FORTY TWO THOUSAND ONE HUNDRED FORTY EIGHT AND 00/100 DOLLARS (\$642,148.00) for this two (2) year agreement. The City County Health and Environmental District match is THREE HUNDRED SIXTEEN THOUSAND TWO HUNDRED EIGHTY TWO AND 00/100 DOLLARS (\$316,282.00) for this two (2) year agreement.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **CHERYL A. BERNERO**, to assist the El Paso Public Library as a Library Branch Manager, at a biweekly rate of \$1,470.40, for 20-40 hours per week. The term of the contract shall be for the period of July 27, 2003 through July 26, 2004.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **SHEILA D. PUCKETT**, to assist the Mayor's Office as a Secretary I, at an hourly rate of \$10.48 for 40 hours per week. The term of the contract shall be for the period of July 24, 2003 through July 23, 2005.

*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of the El Paso Museum of Art be authorized to sign an incoming loan agreement on behalf of the City of El Paso, for twelve artworks borrowed for the exhibition, *Dan Rizzie: The Power of Symbols*, which will be held July 20 - October 12, 2003. The El Paso Museum of Art organized the exhibition and will pay shipping costs of \$160.00. The works are being loaned by Flatbed Press, Austin, Texas.

*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 26th day of August, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1802 Olive Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: A portion of Lots 11, 12 and 13, Block 19, Bassett Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 5, Page 21, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Ricardo Martinez and Guadalupe A. Martinez, 1802 Olive Avenue, El Paso, Texas 79901, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 26th day of August, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1419 E. Yandell Drive, in El Paso, Texas, which property is more particularly described as:

Lots: 28 & 29, Block 61, Franklin Heights Addition, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Joe P. Sepulveda and Sara C. Sepulveda, 11538 Caballo Lake Drive, El Paso, Texas 79936-3359, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 26th day of August, 2003 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 10729 Jadestone St., in El Paso, Texas, which property is more particularly described as:

Lot: 31, Block 1, SHEARMAN UNIT TWO, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 55, Page 2, Plat Records of El Paso County, Texas.

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Daniel and Ellen Watling, 4113 Roxbury Dr., El Paso, Texas 79922, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;
- III) the Owners may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: Sunset View Unit Two
Owner/Developer: Tropicana Homes Inc.
Consultant: CEA Engineering Group

Street Improvements:

Daybreak Drive - from the south property line of Starry Night Drive to the southwest property line between Lots 44 and 45, Block 8

Summer Sun Way - from the west property line of Cloudy Sky Drive to the east property line of Daybreak Drive

Cloudy Sky Drive - from the northeast subdivision boundary line to the southwest subdivision boundary line

Thunderstorm Drive - from the southwest property line between Lots 44 and 45, Block 8 to the west property line of Cloudy Sky Drive

Drainage Improvements:

Storm Drainage System:

located at the Thunderstorm Drive; 1-2 Grate Drop Inlet Type I,
located at the Cloudy Sky Drive; 100 ft. x 6 ft. Concrete Flume Structure

20 ft. Drainage R.O.W.-between Lots 47 and 48, Block 8; 129.5 ft. of 18" R.C.P.;
1-Thrust Block Structure with Rock Rip-Rap

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*Motion made, seconded and unanimously carried that the street and drainage improvements in the following subdivision be accepted for maintenance by the City. The improvements within the stated limits have been completed in accordance with the approved plans and specifications.

Subdivision: North Hills Unit Eighteen Replat "A"
Owner/Developer: E.P. Northeast Hills I, LTD.
Consultant: CONDE Engineering

Street Improvements:

Loma Crystal Place - from the northwest subdivision boundary line to the end of cul-de-sac

Loma Suave Lane - from the west property line of Loma Crystal Place to the end of cul-de-sac

Drainage Improvements:

Surface Drainage

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*Motion made, seconded and unanimously carried to re-appoint Rosa Dwyer to the Community Center Screening Committee by Representative Paul J. Escobar.
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*Motion made, seconded and unanimously carried to appoint Ann Schwartz Schaechner to the Community Development Steering Committee by Representative Susan Austin.

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*Motion made, seconded and unanimously carried to appoint Dr. Mark Lenox to the City County Animal Shelter Advisory Committee by Representative Vivian Rojas.

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*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #A164-000-0010-0100, \$357.18 per month installments on a balance of \$4,286.16 for 2002 taxes; Marta C. Loya – 549 Belen.
- B. PID #A765-999-0070-0801, \$174.66 per month installments on a balance of \$4,191.84 for 2000 & 2001 taxes; Emma (LE) Candelaria & 4 – 725 Hampton Rd.
- C. PID #C726-000-0020-0400, \$176.39 per month installments on a balance of \$2,116.68 for 2002 taxes; Hilda I. Rangel – 12948 Bugambilia Way.
- D. PID #'s C835-999-0010-0501 & C835-999-0010-0500, \$1,080.17 per month installments on a balance of \$12,962.04 for 1999, 2000, 2001 & 2002 taxes; Sergio Crosby - 7300 Alameda Ave.
- E. PID #E014-999-1260-7900, \$214.24 per month installments on a balance of \$2,356.64 for 2002 taxes; Jesse & Maria D. Corral – 3608 Douglas Ave.
- F. PID #H010-000-0300-0020, \$403.08 per month installments on a balance of \$3,627.72 for 2002 taxes; Saul Perez & Jennifer D. Butler – 5180 Buffalo.
- G. PID #H012-999-0230-3600, \$225.60 per month installments on a balance of \$2,707.20 for 1999, 2000 & 2001 taxes; Filomeno & M. L. Placencia – 7729 Acapulco.
- H. PID #'s H470-000-0010-0030 & S533-000-0070-1750, \$379.48 per month installments on a balance of \$4,553.76 for 2002 taxes; Ramon & Irma Sanchez – 10835 Patti Jo Dr.
- I. PID #K216-999-0220-1700, \$356.51 per month installments on a balance of \$4,278.12 for 2002 taxes; Olga Ramirez – 1007 E. Robinson Ave.
- J. PID #K216-999-0300-6100, \$218.79 per month installments on a balance of \$2,625.48 for 2002 taxes; James L. Ruby & Robert Provencio – 706 Mississippi Ave.
- K. PID #K216-999-0530-1300, \$279.02 per month installments on a balance of \$3,348.24 for 2002 taxes; – Guadalupe & M. Garibay – 415 Gregory.
- L. PID #M576-999-0170-2500, \$206.62 per month installments on a balance of \$2,479.44 for 2002 taxes; Ricardo & Lizeth E. Aldana – 4100 N. Stanton.
- M. PID #M794-999-0850-5500, \$122.45 per month installments on a balance of \$4,408.20 for 1997, 2000, 2001 & 2002 taxes; Frank Guzman & 1 – 3528 Taylor Ave.
- N. PID #'s B698-999-0010-0200 & F175-999-0010-1510, \$1,447.22 per month installments on a balance of \$17,366.64 for 2002 taxes; La Torre Enterprises, Inc. % La Torre Enterprise – 9521 Alameda.
- O. PID #M985-999-0030-8100, \$495.43 per month installments on a balance of \$8,917.74 for 2002 taxes; John Godinez – 1661 Rim Rd.
- P. PID #'s P850-999-00A0-0100 & G540-999-0000-0400, \$670.74 per month installments on a balance \$24,146.64 for 2000, 2001 & 2002 taxes; Victor M. Perez – 10940 Dyer.
- Q. PID #Q550-999-0010-1000, \$179.51 per month installments on a balance of \$2,154.12 for 2002 taxes; Raul & Teresa D. J. Briseno – 12043 Desert Quail Ave.
- R. PID #S127-999-0120-4100, \$174.82 per month installments on a balance of \$2,097.84 for 2002 taxes; Raul & Celia Hernandez – 11340 Lake Geneva Dr.
- S. PID #'s S533-000-0200-0600 & S533-000-0200-11H0, \$207.80 per month installments on a balance of \$2,493.60 for 1999, 2000 & 2001 taxes; Carlos Trujillo – Carbajal.
- T. PID #T213-999-0030-4700, \$1,033.88 per month installments on a balance of \$3,101.64 for 2002 taxes; Juan E. Millan – 1109 West Bend.
- U. PID #T340-999-0010-0400, \$271.01 per month installments on a balance of \$3,252.12 for 2002 taxes; Bryan & Carol Abraham – 5401 Tierra Vista Ln.
- V. PID #T810-999-0030-8100, \$303.06 per month installments on a balance of \$2,424.48 for 2002 taxes; Johnnie & Carmen Rodriguez – 9549 Japonica St.

- W. PID #'s V893-999-0050-3500, V088-999-0030-4500, M794-999-0390-2100 & 2001-999-4355-0034, \$909.03 per month installments on a balance of \$16,362.54 for 2002 taxes; Antonio Godinez - 10568 Lakewood Ave.
- X. PID #V893-999-1680-0900, \$207.62 per month installments on a balance of \$2,076.20 for 2002 taxes; Laura A. & Rodrick B. Galvin – 1616 Lou Graham.
- Y. PID #V897-999-0190-4300, \$192.34 per month installments on a balance of \$2,308.08 for 2002 taxes; Susana & Jonathan Benitez – 11528 Clear Lake.
- Z. PID #W418-999-0050-0500, \$896.46 per month installments on a balance of \$2,689.38 for 2002 taxes; Raymundo Rojo – 656 Rosinante.

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 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Elvira Hall in the amount of \$1,480.60, overpayment of 2001 taxes.
 (PID #0822-999-7416-0042)
- B. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,982.55, overpayment of 2002 taxes.
 (PID #C340-999-0570-3100)
- C. Wells Fargo Real Estate Services, LLC in the amount of \$3,019.29, overpayment of 2002 taxes.
 (PID #C518-999-0740-1900)
- D. Wells Fargo Real Estate Tax Services, LLC in the amount of \$2,118.14 overpayment of 2002 taxes.
 (PID #E222-999-0010-1500)
- E. Lawyers Title in the amount of \$749.11, overpayment of 2001 taxes.
 (PID #E369-004-210-0040)
- F. Wells Fargo Real Estate Tax Services, LLC in the amount of \$3,162.03 overpayment of 2002 taxes.
 (PID #E935-999-0010-4500)
- G. Tyrone & Wattina J. Hill in the amount of \$600.00, overpayment of 2002 taxes.
 (PID #G431-999-0010-1700)
- H. Wells Fargo Real Estate Tax Services, LLC in the amount of \$3,660.75, overpayment of 2002 taxes.
 (PID #H788-003-0170-0570)
- I. Saxon Mortgage Service, Inc. \$698.44, overpayment of 2002 taxes.
 (PID #H788-010-0430-0050)
- J. Countrywide Tax Services Corporation, in the amount of \$1,765.54, overpayment of 2002 taxes.
 (PID #M771-999-0090-4400)
- K. Mills Escrow Company, in the amount of \$830.77, overpayment of 2002 taxes.
 (PID #M973-000-0180-0020)
- L. Wells Fargo Tax Services, LLC., in the amount of \$1,622.37, overpayment of 2002 taxes.
 (PID #P354-999-0010-3100)
- M. Rodolfo & Juana Rocha, in the amount of \$717.38, overpayment of 2002 taxes.
 (PID #S812-999-0090-1700)
- N. GMAC Mortgage, in the amount of \$814.18, overpayment of 2002 taxes.
 (PID #S922-999-003B-03205)
- O. Virginia Uribe, in the amount of \$1,288.13, overpayment of 2002 taxes.
 (PID #T109-999-0170-4900)
- P. John Caswell, in the amount of \$627.14, overpayment of 2002 taxes.
 (PID #U823-999-0040-2800)
- Q. Irma Bebola, in the amount of \$1,346.00, overpayment of 2002 taxes.
 (PID #V897-999-0770-2300)
- R. Transamerica Real Estate Tax Service, in the amount of \$947.37 overpayment of 2000 taxes.
 (PID #C301-999-0260-0900)
- S. Transamerica Real Estate Tax Service, in the amount of \$2,086.08 overpayment of 2000 taxes.
 (PID #H453-999-0730-4100)
- T. Transamerica Real Estate Tax Service, in the amount of \$1,897.47 overpayment of 2000 taxes.
 (PID #M348-999-0010-1270)
- U. Transamerica Real Estate Tax Service, in the amount of \$1,144.73 overpayment of 2000 taxes.
 (PID #S127-999-0010-3400)

- V. Transamerica Real Estate Tax Service, in the amount of \$3,015.34 overpayment of 2000 taxes.
(PID #V897-999-1180-1600)
- W. Buck's Rib & Stein, Inc. % Garland Scott, in the amount of \$6,547.13 overpayment of 2002 taxes.
(PID #0221-999-7008-0000)

.....

*Motion made, seconded and unanimously carried to approve the request that the Director of Purchasing be authorized to issue a Purchase Order to Dynix/Horizon (Epixtech, Inc.) in the amount of \$54,038.62. Dynix/Horizon (Epixtech, Inc.) is the sole developer, manufacturer and distributor for changes, improvements and enhancements, maintenance in accordance with Contract 2001-028R. Contract period through 06/30/2004 and/or any extension thereof.

Department: Library
Funds available: 53010201-01101-502229
Funding source: General Funds, Equipment Maintenance Contract
Total award: \$54,038.62

.....

*Motion made, seconded and unanimously carried to award Bid No. 2003-163 Janitorial Services Zaragosa Toll Bridge

Award to: Maheir Janitorial Services
El Paso, Texas

Item: 1
Amount: \$21,873.60 (estimated annually)

Department: Municipal Services/Maintenance Division
Funds available: 31010326-40272-502206
Funding source: Bridge Funds, Janitorial Maintenance Services Contract
Total award: \$65,620.80
District: 6

The Departments of Municipal Services/Maintenance Division and Purchasing recommend award as indicated as this vendor has provided the Best Value Bid.

This is a thirty-six (36) months contract with the option to extend the term of this contract for one (1) additional year. Additionally, Maheir Janitorial Services offers a prompt payment discount of 3% 10 days.

NOTE: "Funds available" and "Funding source" information was revised.

.....

*Motion made, seconded and unanimously carried to award Bid No. 2003-179 Vehicle Fueling-Offsite

Award to: Transmountain Oil Company, Inc.
El Paso, Texas

Item (s): Group 1, Items #1 and #2
Amount: \$120,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503124
Funding source: Fleet Services Internal Services
Total award: \$360,000.00
District (s): All

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Group II, Item #1 all bids have been rejected.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six months.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-805 AIRPORT

Transfer of funds to set up funding for design of runway light replacement project.

Increase	\$1,000,000	to	62620029/PAP001641051/508016	Arch & Design
Increase	\$1,000,000	to	62620029/PAP001641051/407001	Intrafnd Trnsfer In
Increase	\$1,000,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$1,000,000	to	62620018/P50000241021/507001	IntrafndTrnsferOut

.....
*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-650 watts, 3 microphones, and 2 speakers) at Carolina Recreation Center on July 26, 2003 from 7:00 a.m. to 11:00 a.m. Approximately 6 persons will take part and 2000 spectators are anticipated. PERMIT NO. 03-106

.....
*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-650 watts, 3 microphones, and 2 speakers) at the Pavo Real Center on August 23, 2003 from 7:00 a.m. to 11:00 a.m. Approximately 6 persons will take part and 2000 spectators are anticipated. PERMIT NO. 03-107

.....
*Motion made, seconded and unanimously carried to approve the request of Cystic Fibrosis Foundation to hold a motorcycle run on July 27, 2003 from 10:00 a.m. to 11:00 a.m. Route: Start at 981 N. Resler to Redd Rd., turn right on Redd Rd. to I-10 East, proceed on I-10 East to Lomaland, exit on Lomaland and finish at 8272 Gateway East (Barnett Harley Davidson). Approximately 100 vehicles will take part. PERMIT NO. 03-108

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas abstained from voting.

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **ARCHAEOLOGY MUSEUM ASSISTANT EDUCATION CURATOR.**
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **ARCHAEOLOGY MUSEUM ASSISTANT COLLECTION CURATOR.**
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ARTS AUDIENCE DEVELOPMENT COORDINATOR.**
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limit of 45 m.p.h. to 30 m.p.h. on Loop 375 between Santa Fe Street and Cotton Avenue in both directions for the duration of construction on Border Highway (Loop 375) for the Stanton and Santa Fe Bridge Rehabilitation Project. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six months.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2003-805 AIRPORT

Transfer of funds to set up funding for design of runway light replacement project.

Increase	\$1,000,000	to	62620029/PAP001641051/508016	Arch & Design
Increase	\$1,000,000	to	62620029/PAP001641051/407001	Intrafnd Trnsfer In
Increase	\$1,000,000	to	62620018/P50000241021/407002	Est Rev
Increase	\$1,000,000	to	62620018/P50000241021/507001	IntrafndTrnsferOut

.....
*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-650 watts, 3 microphones, and 2 speakers) at Carolina Recreation Center on July 26, 2003 from 7:00 a.m. to 11:00 a.m. Approximately 6 persons will take part and 2000 spectators are anticipated. PERMIT NO. 03-106

.....
*Motion made, seconded and unanimously carried to approve the request of Abundant Living Faith Center to use amplification (mixer-650 watts, 3 microphones, and 2 speakers) at the Pavo Real Center on August 23, 2003 from 7:00 a.m. to 11:00 a.m. Approximately 6 persons will take part and 2000 spectators are anticipated. PERMIT NO. 03-107

.....
*Motion made, seconded and unanimously carried to approve the request of Cystic Fibrosis Foundation to hold a motorcycle run on July 27, 2003 from 10:00 a.m. to 11:00 a.m. Route: Start at 981 N. Resler to Redd Rd., turn right on Redd Rd. to I-10 East, proceed on I-10 East to Lomaland, exit on Lomaland and finish at 8272 Gateway East (Barnett Harley Davidson). Approximately 100 vehicles will take part. PERMIT NO. 03-108

.....
Motion made by Representative Power, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas abstained from voting.

- A. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **ARCHAEOLOGY MUSEUM ASSISTANT EDUCATION CURATOR.**
- B. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to create the Class of **ARCHAEOLOGY MUSEUM ASSISTANT COLLECTION CURATOR.**
- C. An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ARTS AUDIENCE DEVELOPMENT COORDINATOR.**
- D. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to temporarily reduce the existing speed limit of 45 m.p.h. to 30 m.p.h. on Loop 375 between Santa Fe Street and Cotton Avenue in both directions for the duration of construction on Border Highway (Loop 375) for the Stanton and Santa Fe Bridge Rehabilitation Project. The penalty being as provided in Section 12.84.010 of the E El Paso Municipal Code.

- E. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to revise an existing Section identifying the speed limit as forty miles per hour, on Resler Drive from Royal Arms Drive to Tierra Taos Drive. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- F. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits) of the El Paso Municipal Code, to add a Section identifying the speed limit as forty-five miles per hour, on Resler Drive from Helen of Troy Drive to Transmountain Road (Loop 375). The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- G. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking Prohibited At All Times On Certain Streets) to revise and existing location on Guy Rex Drive, from Montwood Drive to Saul Kleinfeld Drive and Bob Mitchell Drive, from Saul Kleinfeld Drive to a point 400 feet west thereof. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- H. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.150 (Schedule XIV, Speed Limits), of the El Paso Municipal Code, to revise an existing Section identifying the speed limit as forty five miles per hour, on Westside Drive from Country Club Drive to Four Hundred feet North of Gomez. The penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- I. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping Or Standing - Tow - Away Zone), Subsection (A), Subparagraphs 57 through 60, of the El Paso Municipal Code, by adding Parking on Franklin Avenue. The Penalty as provided in Section 12.84.010 of the El Paso Municipal Code.
- J. An Ordinance granting to Chevron Products Company, formerly known as Chevron U.S.A. Products Company, permission and authority to assign and transfer to Western Refining Company, L.P., its rights and obligations under Ordinance No. 011466 as amended by Ordinance No. 011699, authorizing Chevron U.S.A. Products Company to encroach onto a portion of public right-of-way within Trowbridge Drive and Texaco Road with the maintenance and use of twenty multi-product pipelines and two duct banks.

PUBLIC HEARING WILL BE HELD ON AUGUST 5, 2003 FOR ITEMS A – J

Public Hearings will be held as part of the regular City Council meeting, which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

.....
Motion made by Representative Cobos, seconded by Representative Cook unanimously carried to move to the forefront an Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto. Representative Austin abstained from voting.

Mr. Roger O'dell, Model Cities of El Paso, spoke in favor of the Ordinance.

Father Reggie Thomas, citizen, spoke in favor of the Ordinance.

Mr. Corda C. Shonerd, President EPACLU, requested language changes to the Ordinance.

Ms. Lisa Turner, citizen, requested that a specific zone be applicable for adult businesses. She also requested that an item on the City Council agenda be placed noting when an adult business opens and/or closes in the El Paso community.

Motion made by Representative Austin, seconded by Representative Cushing and to move to Executive Session the introduction Ordinance listed above.

AYES: Representatives Austin and Cushing.
NAYS: Representatives Lozano, Cook, Power, Escobar, Rojas, and Cobos.

Motion to move the above introduction to Executive Session failed.

Motion made by Representative Rojas, seconded by Representative Power and carried that the following Ordinance, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- K. An Ordinance to amend Title 5 of the City of El Paso Municipal Code, by adding thereto Chapter 5, Regulation of Sexually Oriented Businesses; and to repeal all Ordinances or parts of Ordinances in conflict herewith or contrary thereto.

PUBLIC HEARING WILL BE HELD ON AUGUST 12, 2003 FOR ITEM K

AYES: Representatives Cushing, Lozano, Cook, Power, Escobar, Rojas, and Cobos.
NAYS: Representative Austin.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of Tract 21, O.A. DANIELSON SURVEY NO. 310, El Paso, El Paso County, Texas (George Dieter and Physicians Drive) from R-3 (Residential) to A-O (Apartment-Office) and imposing certain conditions. The penalty is as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant/Representative: Lee Urias, 238 N. Zaragoza Rd., El Paso, TX 79907. ZC-02071
.....

ORDINANCE 15487

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF LOT 1, BLOCK 2, LYDIA DIXON SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS (SOUTHWEST CORNER OF ZARAGOZA ROAD & PENCE ROAD) FROM R-4 (RESIDENTIAL) TO C-1 (COMMERCIAL) AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Rojas, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
.....

ORDINANCE 15488

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACTS 4D1B1, 4D1B & 4D1B2E, SECTION 29, BLOCK 81, TSP1, TEXAS & PACIFIC RAILROAD COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS (10039 DYER) FROM C-1 (COMMERCIAL) TO C-3 (COMMERCIAL). THE PENALTY IS AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

There being no public comment, the vote was taken.

Motion duly made by Representative Cook, seconded by Representative Power, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Power, Escobar and Cobos

NAYS: None Absent: None Abstain: Council Member Rojas

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to authorize the Planning, Research & Development Department to submit a nomination to the Texas American Planning Association for the Current Planning Award. The Off-Premise Sign Ordinance of the Zoning Code is the nominee.
.....

ORDINANCE 15489

The City Clerk read an Ordinance entitled: An Ordinance amending Ordinance 8064 (The Classification and Compensation Plan) to revise the Class of **ENVIRONMENTAL COMPLIANCE MANAGER**.

Mr. Taylor Moore, citizen, questioned what the revision of the position entailed.

Ms. Terry A. Bond, Director of Personnel, explained that supervisory responsibilities would be delegated to another area of the El Paso Water Utilities Department. She noted that Mr. Ed Archuleta, General Manager of PSB, had requested that the position be revised.

Representative Cushing and Mayor Joe Wardy provided comments.

There being no further public comments, the vote was taken.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Escobar, Rojas and Cobos

NAYS: None Not Present: Council Member Austin Abstain: Council Member Power

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.
.....

Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to postpone four (4) weeks the Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.

Representative Power made a motion to approve, seconded by Representative Cobos but no roll call was taken, discussion continued.

Representatives Cushing, Austin, Cobos, Power, Cook provided comments and asked questions of City staff members.

Ms. Laura Gordon, First Assistant City Attorney, and Mr. Jim Martinez, CAO, provided legal advice. Ms. Gordon suggested that the item be further discussed in Executive Session.

Mr. Jorge Artalejo, citizen, commented on the Ordinance.

Mr. Luis Sariñana, citizen, commented that there would be no need for an RFP or an RFQ as the Ordinance specified that following the adoption of the Ordinance, the City would enter into a contract with the Third Party Plan Review & Inspection entity.

Ms. Lisa Turner, citizen, commented that the Ordinance did not provide for sufficient insurance coverage and requested that the company provide said sufficient insurance coverage in order to protect the taxpayers from lawsuits.

Mr. Ray Adaudo, El Paso Association of Builders, reminded Council Members that the Building and Zoning Advisory Committee had worked on the Ordinance for over one year and cautioned Council not to delay the matter any further.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to discuss in Executive Session the Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.

.....
Motion made by Representative Cook, seconded by Representative Power and unanimously carried to postpone four (4) weeks the public hearing to determine if the Council Resolution of April 22nd, 2003, for the property located at 2400 E. Yandell Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and if not to determine penalties. The owner of record as of November 26th, 2002, Harold W. Crumley, has been notified of the violations at this property. There are no taxes owed.

Mr. Thomas Maguire, Building Permits & Inspections Department, presented case to Council Members and gave the Department's recommendation(s).

Mr. Frank Ainsa, Sr., representing Catholic Properties, stated that Catholic Properties was interested in purchasing the property and requested that Council defer action on Mr. Crumley and allow Catholic Properties until December, 2003, to remove the hazardous materials and demolish the unsafe structure.

Representatives Power, Cook, and Cobos provided comments.

Mr. Raymond Telles, Assistant City Attorney, requested that Council Members postpone the matter for one week to allow the transfer of the property from Mr. Crumley to Catholic Properties to take place.

Ms. Lisa A. Elizondo, City Attorney, and Ms. Laura Gordon, First Assistant City Attorney, provided legal advice.

.....
*Motion made, seconded and unanimously carried to delete the public hearing to determine if the Council Resolution of May 20th, 2003, for the property located at 1408 Delta Drive, aka 1406-1408 Delta Drive, in the City of El Paso (legal description on file with the City Clerk) has been complied with and to determine penalties if the Council Order has not been complied with. The owner of this property, Maria Alva, P. O. Box 1422, El Paso, Texas 79948, has been notified of the violations at this property.
.....

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 3318 Alameda Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lots: The West 15 feet of Lot 23 and the East 17 feet of Lot 24, Block 12, Supplemental Map No. 1 of East El Paso, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 1, Page 51, Plat Records of El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Josie Galindo, 5850 Ridge Drive, Santa Teresa, NM 88008, Helen Knight, 5850 Ridge Drive, Santa Teresa, NM 88008, Rebecca Valles Ayon, 4701 G. T. Powers, El Paso, Texas 79924, Ricardo Valles, 405 Fred Way, Las Cruces, NM 87124, Tito Valles, Jr., 927 Versailles Drive, El Paso, Texas 79907, Oscar Valles, Jr., 8796 Kim Lane, Riverside (Pedley), CA 92509, Manuel Valles, 22042 Caminito Vino, Laguna Hills, CA 92653, Hortensia Valles Moreno, 1512 Cederdale Place, El Paso, Texas 79925, Dolores Cook 702 Perry Street, Davenport, Indiana 52801, Rosa Avalos, 10453 Chinaberry Drive, El Paso, Texas 79925, Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Jessie Valles, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Anna Maria Mendoza, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Ruben Valles, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Bobbie Valles, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Daniel Valles, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, Johnny Joe Valles, C/O Gloria Castro, 8843 Creeland, Pico Rivera, CA 90660, record Owners, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 22nd, 2003; and

WHEREAS, JOSIE GALINDO AND OTHER OWNERS, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and

- c. The structure's certificate of occupancy is hereby revoked; and
 - d. Since the owners have failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structure cannot be repaired.
2. That the City Council hereby orders Owners to comply with the following requirements:
 - a. That the Building be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for September 23rd, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owners of said Building are hereby ordered to comply with all requirements of the Resolution; and
 - e. The owners are advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owners to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Building and clean the premises of all weeds, trash, and debris; and
 3. That upon failure of the Owners to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Building and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owners of said property; and
 4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Building and cleaning the premises of all weeds, trash and debris; and
 5. That the costs incurred by the City in connection with the demolition of the Building and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
 6. That upon failure of the Owners to comply with this Order, one or all of the following actions will be taken:
 - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owners of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owners to comply with this order the City Council may assess a civil penalty against the property Owners in an amount not to exceed \$1,000.00 a day for each violation or, if the Owners show that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owners to comply with this order, the Owners may be confined in jail as permitted by state law; and
 7. That upon failure of the Owners, any mortgagees or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and

8. The Owners, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

Ms. Helen Knight and Josie Galindo, property owners, provided remarks regarding the property.

Representative Escobar, Power, Cobos, Cushing, made remarks.

Ms. Carmen Perez, attorney, noted that the Central Appraisal District (CAD) had placed a deferral on the property and added that the firm would send a letter to CAD stating the property may no longer be listed as a deferral. She noted that the CAD had appraised the property at \$34,371.00. She explained that an individual over the age of 65 had requested the property be listed as a deferral.

Mr. Marcelino Rivera, attorney representing eight of the property owners, stated that the eight property owners had quit claimed their interest in the property to Ms. Galindo.

There being no further public comment, the vote was taken.

Motion made by Representative Cobos, seconded by Representative Cook, and unanimously carried to approve the above Resolution. Representative Lozano abstained from voting.

RESOLUTION

WHEREAS, the Director for Building Permits and Inspections and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structures located on the property at 5915 Cleveland Avenue, in El Paso, Texas, which property is more particularly described as follows:

Lot: 24, Block 3, Womble Addition, an Addition to the City of El Paso, El Paso County, Texas, according to the map thereof on File in Book 13, Page 32, Plat Records of El Paso County, Texas

are dilapidated, substandard, and unfit for human habitation; are a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Francisco Lerma Sr., C/O Jose R. Rodriguez, 5714 Kapilowitz, El Paso, Texas 79905, record Owner, and all mortgagees and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on July 22nd, 2003; and

WHEREAS, NO ONE, APPEARED,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
 - a. That the structures located on said property are condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
 - b. That the structures are not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
 - c. The structures' certificates of occupancy are hereby revoked; and
 - d. Since the owner has failed to supply any drawings, plans, or reports to indicate otherwise, we find that the structures cannot be repaired.
2. That the City Council hereby orders Owner to comply with the following requirements:
 - a. That the Buildings be demolished within (30) days; and
 - b. That the premises be cleaned of all weeds, trash and debris within (30) days; and
 - c. That a public hearing be scheduled for September 16th, 2003 in the City Council Chambers, to determine if the Council order has been complied with and, if not, to determine penalties; and
 - d. That the Owner of said Buildings is hereby ordered to comply with all requirements of the Resolution; and
 - e. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
 - f. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to demolish the Buildings and clean the premises of all weeds, trash, and debris; and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Director for Building Permits and Inspections shall demolish the Buildings and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with demolishing the Buildings and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the demolition of the Buildings and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:

- a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
 - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
 - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
 9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owners and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Mr. Thomas Maguire, Building Permits and Inspections, presented case to Council Members and gave the Department's recommendations.

There being no further public comment, the vote was taken.

Motion made by Representative Lozano, seconded by Representative Power, and unanimously carried to approve the above Resolution.

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 *Motion made, seconded and unanimously carried to delete the public hearing to determine if the property located at 3210 Shetland Road, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owners of this property, Cesar Fernandez Villalvazo & Yolanda Norma Fernandez, 3210 Shetland Road, El Paso, Texas 79925-4324, have been notified of the violations at this property.

ADDITION TO THE AGENDA

No action was taken on the discussion and action on City's need to obtain independent counsel for environmental issues, especially those relating to Jobe Concrete Products, Inc. [Taylor Moore]

Mr. Taylor Moore, speaking on behalf of the Sierra Club, commented on the appointments of Mr. Jim Martinez, Chief Administrative Officer, and Ms. Lisa A. Elizondo, City Attorney, and their previous relationship providing legal advice to Jobe Concrete, Inc.

Representatives Cobos, Rojas, and Austin added comments.

Ms. Laura Gordon, First Assistant City Attorney, noted that in the event the City was involved in a lawsuit against Jobe Concrete Inc., the City would solicit outside counsel.

Ms. Pat De La Garza, citizen, commented on Jobe Concrete Inc.'s polluting of the air and made remarks regarding the Chief Administrative Officer requirements as written in the City Charter.

Mr. Gil Piñon, Quality of Life El Paso, commented on the health issues of individuals residing in the vicinity of the Jobe Concrete Inc. facility.

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No action was taken on the discussion and action on the PSB issuing water citations without warnings and; discussion and action on reimbursement for tickets given over the weekends without warnings.
[Alan Serna and Luis Sariñana]

Mr. Luis Sariñana, citizen, commented that the Public Service Board (PSB) continues to issue citations on weekends. He commented that following a meeting between the PSB and the El Paso Apartment Association, it was decided that the PSB would work together with the El Paso Apartment Association regarding watering issues; however, that did not seem to be the case.

Mr. Alan Serna, landscaper, provided a Polaroid picture of a vehicle that had run over a sprinkler head and he stated that, due to his occupation as a landscaper, it was he who had to pay the fine for the water that that been wasted due to the broken sprinkler head, not the negligent driver. He requested that landscapers be given warnings not citations and questioned why the PSB did not write citations to the City of El Paso for wasting water.

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***RESOLUTION OF SUPPORT**

WHEREAS, the Community of El Paso is continually facing multiple challenges involving quality of life, economic development, job creation and bringing relief to the taxpayer; and,

WHEREAS, many of the local Governmental Entities within the community understand the value of economic development and the role that an improved downtown plays in the value of economic development; and,

WHEREAS, these local Governmental Entities are developing, or have developed strategies to meet these community challenges; and,

WHEREAS, the application of generally accepted strategies of economic development across the nation include downtown improvement and redevelopment; and,

WHEREAS, it is the mission of the El Paso Central Business Association and the El Paso Downtown Management District to dedicate their resources to develop an improved and enhanced downtown El Paso; and,

WHEREAS, this mission includes identifying projects, project partners, and mechanisms that will aid in the creation of a new improved downtown for the betterment of the entire community of El Paso; and,

Section II. That the additional six (6) Commissioners shall be appointed by the Mayor, as the presiding officer of the City of El Paso, Texas, by Certificate of Appointment in accordance with Chapter 392, Texas Local Government Code, and further as follows: three (3) Commissioners will serve one year terms, three (3) Commissioners will serve two year terms, one of which shall be appointed as a Resident Commissioner; with subsequent Commissioner appointees to serve two (2) year terms. The terms of the additional six (6) Commissioners shall begin on the effective date of this Resolution.

Mr. Robert Blumenfeld, attorney representing the Housing Authority, stated that the Housing Authority was told by HUD that the City of El Paso was not allowed to increase the number of Commissioners.

Representatives Cook, Cobos, Austin, Power, Cushing, provided comments.

Mr. Bobby Bowling, citizen, commented that the Housing Authority had flown individuals to Austin to lobby in support of the Suncrest Townhomes project.

Mr. Tom Hernandez, President of the Council of Presidents, requested Council Members not to appoint six additional Commissioners.

Ms. Magdalena Hernandez, citizen, requested careful consideration of the matter in the Spanish language, Ms. Diana Nuñez, Deputy City Clerk, translated.

Ms. Maria Rivera, citizen, agreed with Ms. Hernandez's comments in the Spanish language, as well, Ms. Diana Nuñez, Deputy City Clerk, translated.

Mr. Dimetrio Jimenez, Tropicana Homes, stated he was in support of the Resolution.

Ms. Alma Delval Aranda, former employee of Housing Authority, asked City Council not to delay and move forward with adding additional Board Members. She explained that drastic changes were occurring at the Housing Authority and urged Council to ask for board members' resignation. She noted that the current Board Members were doing a disservice to the community and added that policies and bylaws were being changed.

Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to approve the above Resolution. Representative Austin abstained from voting.

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*Motion made, seconded and unanimously carried that Jose A. Huerta-Montoya be appointed as Temporary, Information Technology Director, effective July 1, 2003, at an annual salary of \$82,452.13.
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Motion made, seconded and unanimously carried to move to the regular agenda the following:

Request for provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Appointment of Said Larbi-Cherif as Building Permits and Inspections Director (provisional) effective July 21, 2003.

Representative Cook moved to approve. There was no second.

Representative Cushing stated that he would like to see position filled permanently and requested a list of qualified applicants.

Ms. Patricia Adaauto, Deputy CAO for Building and Planning Services, responded that the Human Resources Department had been notified and that the requirement and testing be done within 90 days and she added that there would be no objection to have the provisional appointment run for 90 days.

Representative Lozano requested that the Building Permits and Inspections Department Mission Statement be revised to include the following language: “information, assistance and to protect the interests of the community”.

Representative Cushing moved to approve the provisional appointment of Mr. Said Larbi-Cherif for 90 days. Representative Lozano seconded.

Ms. Terry A. Bond, Director of Personnel, explained that the Human Resources Department has begun a nationwide search utilizing on-line publications and other resources. She explained that the Department would be doing everything possible to meet the 90-day requirement.

Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- A. John Taylor d/b/a Pepperdyne General Contractor vs. The City of El Paso, Cause No. 2002-4819, Our File No. 02-S-53 (551.071)
- B. Discussion and Action re: Suncrest Townhomes Application to Texas Department of Housing and Community Affairs. (551.071)
- C. An Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code. (551.071)

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows: Representatives Lozano and Rojas were not present for the vote.

Motion made by Representative Cobos, seconded by Representative Cushing and carried that the City Attorney be **AUTHORIZED TO REJECT SETTLEMENT OFFER PROPOSED BY John Taylor d/b/a Pepperdyne General Contractor** in the lawsuit entitled **John Taylor d/b/a Pepperdyne General Contractor vs. City of El Paso; Cause No. 2002-4819; Our File No. 02-S-53**, as recommended by the City Attorney.

Motion made, seconded and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **John Taylor d/b/a Pepperdyne General Contractor vs. City of El Paso; Cause No. 2002-4819; Our File No. 02-S-53**, as recommended by the City Attorney.

AYES: Representatives Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos.
NAYS: Representative Power.

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No action was taken on the discussion and action regarding Suncrest Townhomes Application to Texas Department of Housing and Community Affairs. (551.071)
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Motion made by Representative Power, seconded by Representative Cobos and unanimously carried to postpone four (4) weeks the Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.
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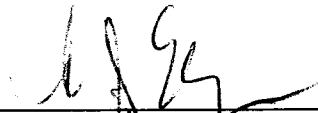
Motion made by Representative Cobos, seconded by Representative Cook and carried to adjourn this meeting at 1:16 p.m.
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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:



Richarda Duffy Momsen, City Clerk



Lisa A. Elizondo, City Attorney